

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51969 of 2015

Arising Out of PS.Case No. -650 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Manoj Chouhan S/o Late Shiv Tahal Chouhan Resident of village-
Lembua, P.S.- Madanpur, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Jha

For the Opposite Party/s : Mr. A.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-12-2015 Heard the Counsel for the petitioner and Mr. Dayal, APP for
the State.

Petitioner seeks bail in Sasaram Town P.S. Case No. 650 of
2014 registered under sections 366(A) and 376/34 of the Indian
Penal Code and Section 4/6 of the POCSO Act.

While the victim was at the Daltenganj Railway Station, it is
alleged that the petitioner along with his wife and sister, by
committing fraud, took her to Sasaram where she was confined
and was subjected to sexual assault by the petitioner on repeated
occasions. The girl was examined medically by the doctor who
found her minor. The statement of the girl was recorded in which
she supported the allegation.

Contention of the petitioner is that it does not stand to
reason that the petitioner would commit such offence with the

connivance of his wife and sister. The age of the victim ascertained can be doubted as the Medical Board found her between 16-17 years of age. Petitioner is in custody since 23.4.2014.

Mr. Dayal, on the other hand, opposed the prayer and placed the impugned order which records reasons for refusal of bail.

Considering the allegation and other materials available on record, the prayer for bail made by the petitioner is rejected. Since, the petitioner is in custody for more than 18 months, this Court grants the petitioner liberty to renew prayer for bail if the trial does not record adequate progress in the Court below itself within eight months from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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